

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
KING, COUNTY OF)
)
Licensee of Private Land Mobile Radio Station)
WPUY429)
)

ORDER OF MODIFICATION

Adopted: August 24, 2010

Released: August 24, 2010

By the Deputy Chief, Policy Division, Public Safety and Homeland Security Bureau:

I. INTRODUCTION

1. By this *Order of Modification*, we modify the license of the County of King (King County), Washington for Private Land Mobile (PLMR) station WPUY429 to reduce the Effective Radiated Power (ERP) of one of the base station locations, authorized under the above referenced call sign, on the frequencies listed in Attachment I as detailed below. We take this action in furtherance of ensuring compliance with international obligations and the Commission's rules.

II. BACKGROUND

2. King County is the licensee of PLMR Station WPUY429 in King County, Washington. Because Station WPUY429 operates in the 800 MHz band and is located within 140 kilometers of the border with Canada, it is subject to the provisions of the bilateral annex (Arrangement F) with Canada, which specifies the conditions under which 800 MHz PLMR stations may operate along the border.¹ Under Arrangement F, the ERP of stations in the border region is limited based on the height of the transmitting antenna. These power and antenna height limits are also reflected in Section 90.619(c)(3) of the Commission's rules.²

3. On May 21, 2010, the Public Safety and Homeland Security Bureau, acting under delegated authority, issued King County an *Order Proposing Modification* (OPM), which proposed reducing the ERP of base station location 3 on one frequency licensed under call sign WPUY429.³ The reduction in ERP proposed in the *OPM* was intended to bring this base station into compliance with the

¹ See Arrangement Between the Dept. of Communications of Canada and the FCC of the United States Concerning the Use Along the US-Canada Border of the Band 806-890 MHz (Jan. 1994, addendum, Dec. 1994) (Arrangement F). See also Arrangement Between the Dept. of Communications of Canada and the FCC of the United States Concerning the Use Along the US-Canada Border of the Bands 821-824 MHz and 866-869 MHz (Sep. 1990, addendum, Dec. 1994).

² 47 C.F.R. § 90.619(c)(3).

³ See County of King, *Order Proposing Modification*, 25 FCC Rcd 5385 (OPM).

ERP limits of Section 90.619(c)(2) of the Commission's rules and Arrangement F on the frequency listed in the *OPM*.⁴ King County was afforded 30 days to protest the *OPM*.⁵

III. DISCUSSION

4. Because King County failed to protest the proposed modification of its license within 30 days,⁶ it is deemed to have consented to the proposed modification.⁷ Based on the record in this matter, we hereby modify the authorization for PLMR Station WPUY429, as proposed in the *OPM*, to ensure compliance with international obligations and Commission rules. *See* Attachment I.

5. ACCORDINGLY, IT IS ORDERED, pursuant to Sections 4(i) and 316 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 316, and Sections 1.87 and 90.619(c)(2) of the Commission's Rules, 47 C.F.R. §§ 1.87, 90.619(c)(2) that the license for Private Land Mobile Radio Service Station WPUY429, held by County of King, IS HEREBY MODIFIED by reducing the Effective Radiated Power at base station location 3 to 100 watts ERP on the frequency listed in Attachment I to comply with Section 90.619(c)(2) of the Commission's rules and Arrangement F.

6. IT IS FURTHER ORDERED, that the Chief of the Licensing Branch, Policy Division, Public Safety and Homeland Security Bureau, SHALL CAUSE the records of the Commission's Universal Licensing System for Private Land Mobile Radio Service Station WPUY429 to be modified consistent with this *Order of Modification*.

7. IT IS FURTHER ORDERED that this *Order of Modification* shall be sent by certified mail, return receipt requested, to King, County of, Attn Hai Phung, Dept of Transportation, 821 2nd Avenue, Mail EXC-TR-129, Seattle, WA 98104.

8. This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's Rules, 47 C.F.R. §§ 0.191, 0.392

FEDERAL COMMUNICATIONS COMMISSION

Michael J. Wilhelm
Deputy Chief, Policy Division
Public Safety and Homeland Security Bureau

⁴ *Id.* at 5385-86 ¶ 4.

⁵ *Id.* at 5386 ¶ 5.

⁶ *See* 47 C.F.R. § 1.87(g)(1).

⁷ *OPM* at 5386 ¶5..

Attachment I

The maximum permitted ERP for PLMR station WPUY429 at the location listed below is limited to the value shown in the rightmost column.

Call Sign	Location No.	Lat. (N)	Long. (W)	Licensed Frequency (MHz)	Maximum Permitted ERP (watts)
WPUY429	3	47° 30' 16.3"	121° 58' 20.4"	851.0125	100